

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF: THE COMPLAINT)	
OF CREATIVE YACHT MANAGEMENT,)	No. 1:14-cv-09050
INC., d/b/a SAILTIME CHICAGO,)	
PETITIONING FOR EXONERATION FROM)	Judge Samuel Der-Yeghiayan
OR LIMITATION OF LIABILITY)	

MOTION TO ADOPT AND JOIN MOTION TO DISMISS

NOW COMES Respondent, Shai Wolkowicki, by and through his attorneys, Mitchell Hoffman & Wolf, LLC, and hereby moves this Honorable Court to join in and adopt the Motion to Dismiss previously filed by Respondent Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased (“Blenner”). In support of this Motion, Haws states as follows:

1. On November 11, 2014, Creative Yacht Management, Inc., d/b/a SailTime Chicago (“SailTime”) filed its Petition for Exoneration From or Limitation of Liability under the Limitation of Liability Act, 46 U.S.C. §§ 30501 *et seq.* (the “Act”) (Document No. 1).

2. On January 9, 2015, Blenner filed her Motion to Dismiss SailTime’s Petition under Rule 12(b)(6) (Document Nos. 25-27) Generally, Blenner’s Motion to Dismiss asserts that SailTime failed to state a cause of action upon which relief may be granted because the Act applies to “owners” of vessels, and SailTime is not an “owner” of the AXESS, and SailTime does not “stand in the shoes” of the owner of the AXESS.

3. The bases for dismissal raised by Blenner in her Motion also apply to Shai Wolkowicki claims.

4. The interests of judicial economy would be best-served by an order from this Court permitting Shai Wolkowicki to adopt and join the Motion to Dismiss, including the Memorandum of Law, already filed by Blenner, rather than file a separate, substantially similar

Motion.

WHEREFORE Respondent Shai Wolkowicki respectfully requests that this Court grant her leave to adopt and join the Motion to Dismiss, including the Memorandum of Law, previously filed by Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased.

MITCHELL HOFFMAN & WOLF, LLC

BY: /s/ Kenneth Hoffman

Kenneth Hoffman (ID No.6207101)
MITCHELL HOFFMAN & WOLF LLC
Attorneys for Shia Wolkowicki
221 North LaSalle, Suite 1148
Chicago, Illinois 60601
Phone: (312)726-6722